

REMARKS

Applicants respectfully traverse and request reconsideration.

The Examiner indicated that the Information Disclosure Statements filed on November 17, 2007 and October 27, 2007 have been considered, but publication dates of two non patent literature were missing. Applicants resubmit the Information Disclosure Statements filed on November 17, 2007 and October 27, 2007, which now include the requested publication dates.

Applicants wish to thank the Examiner for the notice that claims 10-14 are allowed and that claims 3-7, 17 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, upon further review of the references, Applicants respectfully submit that the references do not teach what is alleged and that the other claims are also in condition for allowance.

Claims 1-2, 8-9, 15-16 and 18-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication No. 2003/0005453 (Rodriguez et al.) in view of U.S. Publication No. 2002/0183059 (Noreen et al.). The Rodriguez reference teaches a different operation from what is alleged. The Rodriguez reference is directed to a method and apparatus for recordable media content distribution wherein a set top box employs a purchasable and recordable media (PRM) content application to record movies and video clips, etc. The office action alleges that the Rodriguez reference teaches, among other things, “editing the selected digital broadcast content to produce edited digital broadcast content, based on digital rights management data.” (office action, page 4) citing inter alia paragraph 79. However, Applicants respectfully submit that paragraph 79 (nor any of the other paragraphs cited) refers to digital rights management data as being used as part of an editing operation of selected digital broadcast content that was received and recorded to produce edited digital broadcast content. Instead, the cited portion describes the editing, not of the actual received digital broadcast content (e.g., a

movie), but instead the editing of personal annotations such as dates that the PRM application recorded the video, etc. (see paragraph 79, lines 26-28). In fact, when referencing the actual media content, Rodriguez teaches that the media content can only be “viewed, deleted, or spooled”. The media content itself is not edited. In addition, the cited portion also makes no reference to any digital rights management data being employed for editing the received digital broadcast content. Since the reference does not teach what is alleged, Applicants respectfully submit that the claims are in condition for allowance.

As to claim 19, it is alleged that the Rodriguez reference also teaches wirelessly sending either digital broadcast content capture commands or editing commands by a mobile terminal, receiving either of the digital broadcast content capture commands or editing commands that were sent and capturing or editing by a network element the digital broadcast content based on the received content capture command or editing command. Again the office action cites paragraphs 49, 55, 56, 60, 61 and 79. It is alleged that the DHCT sends digital broadcast content capture commands or editing commands. However, there is no mention of any such commands in the cited portions. Also, none of these paragraphs teach among other things, a network element that captures or edits received digital broadcast content based on the received content capture command. In addition, there are no editing commands that are wirelessly sent and received that are used by a network element (as opposed to mobile terminal) set forth in the cited paragraphs. Accordingly, Applicants respectfully submit that the reference does not teach what is alleged. Accordingly, Applicants respectfully submit that this claim is also in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Dated: February 24, 2009

By: /Christopher J. Reckamp/

Christopher J. Reckamp

Reg. No.34,414

Vedder Price P.C.
222 North LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7945
FAX: (312) 609-5005